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Keith R. Lange
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March 8, 2002
Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

Art Unit: 1644

STARLING ET AL.

Examiner: Haddad, Maher M.

APPLICATION NO: 09/745,605

FILED: DECEMBER 22, 2000

FOR: NOVEL IMMUNOGLOBULIN SUPERFAMILY MEMBERS OF APEX-1, APEX-2 AND APEX-3 AND USES THEREOF

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Assistant Commissioner for Patents
Washington, D.C. 20231

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

This is in response to the Office Action dated February 8, 2002, a response to which is due March 8, 2002 with a shortened statutory period for reply. Accordingly, this Response is timely filed.

Restriction Requirement

Applicant's provisionally elect, without traverse, to prosecute the invention of Group I, claims 1-5, 15-26, 4-43 and 50 drawn to an isolated nucleotide sequence of SEQ ID NO: 1, encoding a polypeptide, vectors, host cells and methods of producing the polypeptide.

Species Election

The Examiner has alleged that the this application contains claims directed to patentably distinct species of Group 1, wherein the detectable marker is one of species (A) through (F) set

forth in the Office Action. Applicants provisionally elect, without traverse, to prosecute species (A) "radioisotope".

These elections of the invention and species to be examined are made without prejudice to or disclaimer of the other claims, inventions or species disclosed. Applicants reserve the right to file continuation application(s) to the non-elected subject matter.

Please direct any questions concerning this Response or any aspect of this case to the undersigned attorney.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Account No. 19-3880 in the name of Bristol-Myers Squibb Company.

Respectfully submitted,

Bristol-Myers Squibb Company
Patent Department
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Reg. No. 44,201

Date: March 8, 2002